

09/514.598

Remarks

Applicants wish to thank the Examiner for the attention accorded to the instant application. Claims 173, 179 and 184 have been amended, and claims 186-190 canceled. In light of the present amendment and remarks, it is respectfully requested that the rejections be withdrawn with respect to claims 173-185 and 191.

Claim 173 has been amended to overcome the rejection under 35 U.S.C. §112 (specifying the plurality of mirrored web servers) and to further define the system in terms of what is being provided (i.e., "a contest having a contest web site and associated contest client software"), as differentiated from the cited reference as described further herein.

Claim 179 has been amended to correct a grammatical error.

Regarding the rejection of claim 184 under 35 U.S.C. §112, the claim has been amended to remove the ambiguity associated with the phrase "some test". The tests include tests for qualifying the competitor or the competitor's computer system, as described, e.g., at page 49, lines 6-12, page 40, line 37 and page 41, line 30.

The Examiner has variously rejected all of the claims under 35 U.S.C. § 102(e). To anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Bariem, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988).

Regarding the rejection under 35 U.S.C. § 102(e) of claim 173 (as amended) based on Cheng et al. U.S. Patent No. 6,151,643, it is respectfully submitted that claims 173 and 174 are substantially different than the systems therein.

Cheng provides a system and method for automatically updating existing software applications in client computers. Cheng depicts, e.g., in Figure 1, a network of the service

09/514.598

provider, client computers and software vendors, essentially wherein the service provider is the interface between the user and the content provided by the software vendors.

In contrast, the system of claim 173, in part, utilizes the master web server to transmits copies of the entire contest web site to the plurality of mirror web servers, which then are able to serve client machines. It is a contest web site that is primarily transmitted – in conjunction with the contest client software. This is not disclosed by Cheng, which teaches a system for updating existing software applications in client computers. Contest client software is described in part in the specification as “the primary interface between the contestant and the contestant system” (p. 37, l. 24-25). In summary, no contest is provided in Cheng, therefore it cannot anticipate claim 173, a system for distributing and presenting Web documents associated with a contest.

Regarding the rejection of claim 175 based on Cheng, it is respectfully submitted that claim 175 is substantially different the system therein. Cheng provides a method for connecting a user to an update process for updating software on the user's computer (col. 7, l. 5-11), not for connecting to a contest-promoting system. Further, in Cheng, the client application displays a list of applicable software updates, including identity and availability of software product updates, and the user selects one or more for download (col. 7, l. 62 – col. 8, l. 31). This is clearly different from using the login server to choose which game server should be utilized by this contestant's client machine as claimed in claim 175. Further, there is no disclosure of load balancing algorithms in Cheng for distributing connection to the plural game servers in the context of a contest between plural contestants in a multiple game server system. In summary, Cheng does not teach a method for handling communication in a multi-player contest using multiple game servers to handle communication with all client machines in a contest-promoting system, as recited in claim 175.

09/514.598

The Examiner has rejected claims 179-185 and 191 under 35 U.S.C. § 102(e) as being anticipated by Schneier et al U.S. Patent No. 5,970,143. Regarding the rejection of claims 179 and 182-184 (and dependant claims 180, 181, 185), it is respectfully submitted that the claimed invention is not anticipated by Schneier et al. Each and every element of the claims is not disclosed in Schneier et al.

It is respectfully submitted that Schneier does not present a method for globally synchronized contests as provided in claims 179 et seq.. Schneier discloses a computer device and method for encoding a message corresponding to an outcome of a computer game, and a computer device and method for decoding the message to detect a fraudulent outcome. However, no system or method is provided therein for "enabling a contestant to compete against many other contestants, in a secure and fundamentally fair time-constrained contest, over the Internet, wherein each contestant is provided with a common 'start-time' regardless of the location of his or her client machine on the infrastructure of the Internet, for the type of interconnection provided thereto" as in claim 179.

A key element of claim 179 not disclosed by Schneier is the transmission of and use of the start time that is common for all users on an Internet based time-constrained contest. The Examiner has cited, for example, column 33, lines 12-23, wherein a start message is obtained by a user, the start message incorporating a timing element to be made "time-limited" (i.e., valid for some predetermined period of time), assuming that the game computer 14 communicates with a clock, preferably one that is tamper-resistant." This functionality is related to limiting a user's ability to access the game, rather than synchronize a common start time. Further, the Examiner has cited col. 39, l. 38-53, and 52-65, wherein operation of tournament races of skill are described. However, while a system is disclosed for starting at a designated start time, and

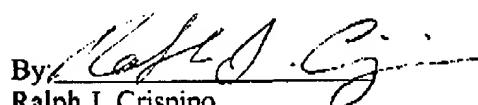
09/514.598

transmitting the results in an encoded protocol as described therein, there is no functionality for "characterizing the client machine's local clock with the master clock on the primary server, and synchronizing of the client machine display update cycle with the desired start-time for the contest" disclosed. Therefore, there is no assurance in Schneier that each participant will have the same start time.

Similarly, regarding the rejection of claim 191, it is respectfully submitted that the start time element, and its use as being associated with each query, and storage within the client machine, as claimed therein, is not anticipated by Schneier, wherein start messages valid for a period of time are described (e.g., at col. 32, l. 65 – col. 33, l. 29). No method is disclosed in Schneier to download a start time to a client machine.

The amendments herein do not introduce any new matter. It is believed that the claims herein should be allowable to Applicants. Accordingly, allowance is respectfully requested.

Respectfully submitted,

By: 
Ralph J. Crispino
Registration No. 46,144

Date: November 28, 2002
REVEO, INC.
85 Executive Boulevard
Elmsford, New York 10523
Telephone (914) 798-7270
Facsimile: (914) 345-9558

Official FAX RECEIVED

NOV 29 2002

GROUP 3600